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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,674	10/25/2000	Yasushi Sasagawa	FUJY 17.914	4572
7590 04/21/2005 Katten, Muchin, Zavis & Rosenman 575 Madison Ave. New York, NY 10022-2585			EXAMINER WONG, BLANCHE	
			ART UNIT 2667	PAPER NUMBER

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/696,674

Applicant(s)

SASAGAWA, YASUSHI

Examiner

Blanche Wong

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,6-12 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-10 and 17-21 is/are allowed.
- 6) ☒ Claim(s) 1,11,12 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 1 and 12** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

*Merely* specifying, ln. 5, as oppose specifying, the significance of merely specifying is undefined in the Specification. [Emphasis added.]

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claim 1 and 11** are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Chuah et al. (U.S. Pat No. 6,408,001).

With regard to claim 1, Chuah discloses an explicit routing method in a label switching system (MPLS, col. 6, ln. 11), comprising:

a step of logically dividing (The LSR1-8 in the MPLS network form one big LSR, Fig. 4, col. 6, ln. 20-23, and for example, divided into LSR4-LSR7-LSR1, Fig. 5, col. 6, ln. 50-55.) a label switching router (the group of LSRs in the MPLS network) into a plurality of LSRs (LSR1-8) each having a label switching function; and

a step of merely specifying (col. 6, ln. 50-55), when setting a label switched path (LSR4-LSR7-LSR1) on the basis of an explicit route specified (common label switching path segment, col. 6, ln. 53), a port (ITS coupled with an LSR, col. 6, ln. 59) or a port group of an egress node (LSR1) that corresponds to the LSR (LSR1) terminating the LSP (LSR4-LSR7-LSR1) within the plurality of logically divided LSRs (LSR1-8).

With regard to claim 11, Chuah discloses an explicit routing method in a label switching system, comprising:

a step of specifying an MPLS explicit route (LSR4-LSR7-LSR1, Fig. 6) by adding, to an MPLS-to-IP forwarding function (col. 6, ln. 43-61) of a port group in one specified egress node (LSR1), a communication function (encoding, col. 7, ln. 2) with MPLS-to-IP forwarding function of a port group (ITSs, Fig. 4) in an intra-system (the group of LSRs in the MPLS network) other egress node, and a forwarding function (depending on QoS, col. 7, ln. 9-10) to the port group (ITS2 or ITS3, that is, it is possible LSR4-LSR7-LSR2-ITS2 or LSR4-LSR7-LSR3-ITS3) in the intra-system (the group of LSRs in the MPLS network) other egress node (LSR2 and LSR3 in Fig. 4).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 12 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuah.

With regard to claim 12, Chuah discloses a packet router in a label switching system (MPLS, col. 6, ln. 11), as discussed in the rejection of claim 1 above. However, Chuah fails to explicitly show a local router configuring module and a module for merely specifying.

A person of ordinary skill in the art would have been motivated to employ a packet router (grouping LSR1-8 into one LSR) comprising: a local router configuring module for logically dividing a label switching router into a plurality of LSRs each having a label switching function; and a module for merely specifying, when setting a label switched path on the basis of an explicit route specified, a port or a port group of an egress node that corresponds to the LSR terminating the LSP within the plurality of logically divided LSRs, because a method is of no use if it is not encompassed within a device or used within a system. The suggestion/motivation to do so would have been to provide for a means to use Chuah's method. At the time the invention was made, therefore, it would have been obvious to one of ordinary skills in the art to which the

invention pertains to have 1.) a local router configuring module, and 2.) a module for merely specifying, as specified in claim 12.

With regard to claim 22, Chuah discloses a packet router in a label switching system, as discussed in the rejection of claim 11 above. However, Chuah fails to explicitly show a module for specifying an MPLS explicit route.

A person of ordinary skill in the art would have been motivated to employ a packet router (grouping LSR1-8 into one LSR) comprising: a module for specifying an MPLS explicit route by adding, to an MPLS-to-IP forwarding function of a port group in one specified egress node, a communication function with MPLS-to-IP forwarding function of a port group in an intra-system other egress node, and a forwarding function to the port group in the intra-system other egress node, because a method is of no use if it is not encompassed within a device or used within a system. The suggestion/motivation to do so would have been to provide for a means to use Chuah's method. At the time the invention was made, therefore, it would have been obvious to one of ordinary skills in the art to which the invention pertains to have a module for specifying an MPLS explicit route, as specified in claim 22.

***Allowable Subject Matter***

7. **Claims 6-10, 17-21** are allowed.

***Response to Arguments***

8. Applicant's arguments filed December 17, 2004, have been fully considered but they are not persuasive.

Although "Applicant has amended independent claims 1,11,12,22 to clarify the claimed invention" (Remarks, p.13, para.4), the attempt introduced the word *merely* which conveys relativity, and the significance of *merely specifying*, as oppose to *specifying*, cannot be determined from the claims nor Specification.

With regard to claims 1 and 12, Applicant contends that "... a port or a port group of an egress node ... need *merely* be specified" (Remarks, p.14, para.2) and that cited reference Raj "... *merely* provide a redundant structure ..." (Remarks, p.14, para.5). [Emphasis added.] The nuance of the word *merely* cannot be determined. Respectively, the significance of the amendment is undefined. Furthermore, Applicant contends that "...logically divided LSR a port or a port group of an egress node can be specified that corresponds to the LSR terminating the LSP within the plurality of logically divided LSRs" (Remarks, p.14, para.4) and that "In Raj, ... LSRs and LSCs of LSR are not logically divided into a plurality of LSRs" (Remarks, p.14, para.3). The function and structure of *logically dividing* is unfounded. Therefore, Raj's LSR is as logically divided as Applicants, as discussed in the rejection of claims 1 and 12.

With regard to claims 11 and 22, Applicant contends that a forwarding function is not disclosed in Raj. Remarks, p.15, para.2. It would have been obvious that there is some forwarding function whenever there is a delivery of data from one end to another, as discussed in the rejection of claims 11 and 22.

With regard to the difference between claim 11 and 22 (Remarks, p.15, para.3), it would have been obvious that the LSR is "a module for specifying ..." in order to route the delivery of data from one end to another, as discussed in the rejection of claims 11 and 22.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*BW*

BW  
March 23, 2005



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